

United States Environmental Protection Agency, Region IX

Air Division

Technical Support Document

for

EPA's Notice of Proposed Rulemaking

for the

California State Implementation Plan

as Submitted by the California Air Resources Board

EPA's Analysis of

South Coast Air Quality Management District's

Rule 461, Gasoline Transfer and Dispensing

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## **South Coast Air Quality Management District (SCAQMD)**

### **Submitted Rule**

- SCAQMD Rule 461, Gasoline Transfer and Dispensing (amended on January 9, 2004, submitted on June 3, 2004, complete on June 30, 2004).

There are no other submitted versions on which EPA has not acted.

### **Applicable SIP Rule**

- SCAQMD Rule 461, Gasoline Transfer and Dispensing (amended on April 21, 2000, originally adopted on January 9, 1976, approved on August 20, 2001, 66 FR 43483).

### **Rule Summary**

Rule 461 limits the emission of gasoline vapors from the transfer of gasoline into stationary storage containers (Phase I) and into motor vehicle fuel tanks (Phase II).

### **Reason for Rule Changes**

The significant changes in Rule 461 relative to the SIP rule are as follows:

- 461(e)(3)(C): To allow tests and retests during the weekend under certain specified conditions.
- 461(e)(3)(D): To require the electronic submission within 72 hours of a PASS/FAIL test report on all tests conducted.
- 461(e)(3)(E): To require the submission of the final test report within 14 calendar days when all tests are passed.
- 461(e)(3)(E): To require the person responsible for conducting the tests to have completed the District's orientation class for testing, including any subsequent refresher classes.
- 461 "Attachment A": To delete the text of the definition in the California Code of Regulations for "major defects" that is referred to in paragraph (b)(19) of the rule.

### **Rule Evaluation**

Generally, SIP rules must be enforceable (see section 110(a) of the CAA) and must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(b)(2)), and must not relax existing requirements (see sections 110(l) and 193). Gasoline vapor recovery rules must fulfill the special requirements for gasoline vapor recovery in ozone nonattainment areas (see section 182(b)(3)(A)).

SCAQMD regulates an "extreme" nonattainment area for the 1-hour ozone NAAQS (see 40 CFR part 81), and this rule was developed to address CAA planning requirements for such areas. Recently, EPA designated the South Coast Air Basin as a "subpart 2/severe 17" nonattainment area for the 8-hour ozone NAAQS. See 69 FR 23858, at 23882 (April 30, 2004). We have not yet established State obligations for new planning and control requirements which apply to nonattainment areas for the 8-hour ozone standard; thus, SCAQMD may need to revisit the

requirements in this rule in the future as part of an 8-hour ozone control strategy.

Guidance and policy documents that we used to define specific enforceability and RACT requirements include the following:

- Requirements for Preparation, Adoption, and Submittal of Implementation Plans, U.S. EPA, 40 CFR Part 51
- Guidance Document for Correcting Common VOC & Other Rule Deficiencies, EPA Region IX (August 21, 2001). (The Little Bluebook)
- Draft Model Rule, Gasoline Dispensing Facility–Stage II Vapor Recovery, EPA (August 17, 1992).
- Gasoline Vapor Recovery Guidelines, EPA Region IX (April 24, 2000).

SCAQMD Rule 461 was evaluated against the EPA Draft Model Rule, Gasoline Dispensing Facility–Stage II Vapor Recovery (August 17, 1992) and the Gasoline Vapor Recovery Guidelines, EPA Region IX (April 24, 2000). In evaluating RACT, EPA also considered information published since the 1992 Draft Model Rule, including documents associated with development of CARB's Enhanced Vapor Recovery Guidelines (March 23, 2000). EPA, Region IX, has summarized RACT requirements in the April 24, 2000 Guidelines.

The submitted SCAQMD Rule 461 is more stringent than the SIP rule, fulfills RACT, is enforceable, and should be given full approval.

### **Recommendation**

EPA recommends full approval of the following SCAQMD rule for incorporation into the California Applicable SIP:

- SCAQMD Rule 461, Gasoline Transfer and Dispensing (amended on January 9, 2004, submitted on June 3, 2004).

### **Attachments**

1. Submitted SCAQMD Rule 461.
2. Applicable SIP SCAQMD Rule 461.
3. Blue Book (cover only).
4. Gasoline Vapor Recovery Guidelines, EPA Region IX (April 24, 2000).